IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9013 of 1999

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AAROHI MOTORS PVT LTD - Petitioner(s)

Versus

ISMAIL SAIYAD MOHAMAD - Respondent(s)

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Appearance :

MR NILESH M SHAH for Petitioner No(s).: 1.

MR LR PATHAN for Respondent No(s).: 1.

MR MA SAPA for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 03/08/2005

ORAL JUDGMENT

1. By way of this petition, the petitioner has challenged the order of the Labour Court, Ahmedabad dated 18th June 1999 whereby the respondent was ordered to be reinstated with continuity of service and without backwages.

2. The brief facts of the case are that, the respondent was employed as an apprentice trainee Helper in the month of January 1988 by the petitioner. The respondent had to help Servicemen during his

training. The respondent abandoned himself from service from 18.9.1988. He raised a dispute about alleged termination which had been adjudicated by the Labour Court, Ahmedabad which was numbered as Ref.(L.C.A.) No. 2600/88 and the Labour Court partly allowed the said reference by its order and award as mentioned hereinabove.

3. Pursuant to the order dated 3.7.2005, the respondent workman has resumed duty on 25th July 2005. In that view of the matter, the only question which is required to considered is as to whether the respondent is entitled to backwages or not.

4. Mr.Shah, learned Counsel for the petitioner submitted that from 8th November 1999, the respondent was called for resuming duty after the award of the Labour Court, however, he was not interested in resuming. On the other hand, learned Counsel for the respondent submitted that, since the respondent has already resumed duty, this Court may pass appropriate order.

5. Having heard learned Counsel for the parties, I pass the following order:

The order with regard to reinstatement with continuity of service is confirmed. The respondent will also be entitled to all consequential benefits from the date of publication of the award.

6. With the above observations, the petition stands disposed of. Rule accordingly. No order as to costs.

(K.S. Jhaveri, J.)

Sreeram.